

REMARKS

Claims 7-12 remain in this application. Claims 7-12 are rejected. Claims 7-12 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include a reference sign 7 not described in the specification. The specification is amended to add the reference sign in the specification as identifying the direction of centrifugal force. No new matter is added as a result of the amendments. Withdrawal of the objection to the drawings is therefore respectfully requested.

The abstract is objected to on the basis that it is the Examiner's position that it is directed more to a battery than a method of attachment thereof in an apparatus. A replacement abstract is provided herein on a separate page. It is submitted that the replacement abstract is in full conformance with 37 CFR 1.72 and MPEP 608.01(b). Therefore, reconsideration of the objection to the abstract is respectfully requested.

Applicants acknowledge the request by the Examiner for cooperation in correcting any mistakes of which applicants may become aware. Furthermore, the

claims are amended in accordance with the Examiner's suggestions, whose assistance is appreciated.

Claims 7-12 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action states that the method claims fail to positively recite method steps. Furthermore, the Examiner states that the preamble language of claims 9-12 is not consistent with that of independent claim 7 from which the claims depend. The claims are amended to clarify the claimed invention and to place the claims into conformance with U.S. claiming practice. The amendments were made with consideration of the various informalities noted in the Office Action. It is respectfully submitted that the amendments remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of the claims and their allowance are earnestly requested.

Claims 7 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Redford (US 5,763,112). Applicants herein respectfully traverse these rejections.

Independent claim 7 is directed to a method of attaching a battery in a manner in which an extreme decline in discharge capacity of said battery cell is avoided when the battery cell is acted upon by centrifugal force. The method requires that the battery cell be oriented in a prescribed directional orientation with respect to a direction of centrifugal force acting on an apparatus in which the battery cell is

mounted. In particular, the claim requires that the battery cell be mounted such that a negative polarity material side thereof faces generally in a direction of the centrifugal force, and an angle of inclination of a thickness direction of said battery cell is within a range of 0 to about 60 degrees relative to the direction of the centrifugal force.

It is respectfully submitted that Redford fails to provide teaching or suggestion relating to the above noted mounting steps or the factors to be considered in implementing such claimed steps. Redford is, in fact, entirely silent regarding centrifugal forces, or the effects of such forces on a battery of the type at issue. By the Examiner's own admission in at least one Office Action issued in the parent application, the Redford reference does not explicitly state anything about centrifugal forces or how they act on the disclosed battery cell. Therefore, it would be impossible for the reference to teach a method which specifies how a cell is to be mounted in angular relation to acting centrifugal force, or for the reference to offer anything which would make the claimed invention obvious in light of its disclosure.

Thus, based upon the foregoing, the claims avoid anticipation and are patentable over the cited Redford reference, as the reference fails to disclose or suggest the claimed features of the invention of claims 7 and 8, which is required to establish anticipation or a *prima facie* case of obviousness. Reconsideration of the rejections of claims 7 and 8 and their allowance are respectfully requested.

Claims 9-11 are rejected under 35 U.S.C. §103(a) as obvious over the Redford reference in view of Miyaki et al. (US 6,365,299). Applicants herein respectfully traverse these rejections.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary Miyaki et al. reference does not provide the teaching noted above with respect to the anticipation and obviousness rejections of claim 7, from which claims 9-11 depend, that is absent from the primary Redford reference. In particular, Miyaki et al. adds nothing to the disclosure of Redford with regard to the angular range of inclination of the battery cell to the centrifugal force. Thus, the combination of prior art references fails to teach or suggest all the claim limitations, as properly required for establishing a *prima facie* case of obviousness. Therefore, reconsideration of the rejections of claims 9-11 and their allowance are respectfully requested.

Claim 12 is rejected under 35 U.S.C. §103(a) as obvious over the Redford reference in view of Miyaki et al., and further in view of Jurca (US 4,725,515). Jurca, which is cited merely for teaching relating to gasket material, fails to provide what is missing with regard to the anticipation and obviousness rejections of base claim 7. Thus, the combination of prior art references fails to teach or suggest all the claim limitations, as properly required for establishing a *prima facie* case of obviousness. Therefore, reconsideration of the rejection of claims 12 and its allowance are respectfully requested.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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